

Appl. No. 10/079,184
Docket No. 8872Q
Amdt. dated October 26, 2006
Reply to Office Action mailed on July 26, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 2-4, 6-9, 23 and 28-37 are pending in the present application.

Applicants appreciate and acknowledge the mention by the Examiner that claims 23 and 28-31 are allowed.

Applicants have cancelled claim 5 without prejudice.

Applicants have amended claim 1 to include the features of an externally visible serviceable indicium proximate the longitudinal side edges and an externally visible serviceable indicium proximate the second end edge that form a contoured pattern that distinguishes the first waist region from the second waist region.

Applicants have amended claims 6 and 7 to correct their dependency.

Applicants have added independent claim 32 and dependent claims 33-37 to claim additional subject matter.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Rejection Under 35 USC §102 Over Weber, et al.

Claims 2-9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Weber et al. WO 00/35401.

Applicants submit that claim 5 has been canceled therefore mooting the rejection with regard to this claim.

Applicants submit that claim 2 has been amended to include the features of an externally visible serviceable indicium proximate the longitudinal side edges and an externally visible serviceable indicium proximate the second end edge that form a contoured pattern that distinguishes the first waist region from the second waist region.

Applicants submit that Weber et al. '401 does not teach or even remotely suggest a contoured pattern formed by an externally visible serviceable indicium proximate the longitudinal side edges of the absorbent article and an externally visible serviceable indicium proximate the second end edge of the absorbent article.

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Reconsideration and withdrawal of the rejections of claims 2-4 and 6-9 is respectfully requested.

For the sake of expediting prosecution of the present application, Applicants submit that newly added independent claim 32 (and any claim that depends therefrom) includes, *inter alia*, the features of at least one externally visible serviceable indicium disposed on portions of the disposable absorbent article proximate the longitudinal side edges in at least the crotch region and at least one externally visible serviceable indicium disposed on a portion of the disposable absorbent article proximate the second end edge, wherein said externally visible serviceable indicia form a contoured pattern that distinguishes the portions of the article that includes said externally visible serviceable indicia from a portion of the article proximate an intersection of the longitudinal and transverse axes and a fastening system for releasably securing the first waist region to the second waist region and providing a first fit and a second fit. Applicants respectfully submit that these features are neither taught or suggested by Weber '401.

Conclusion

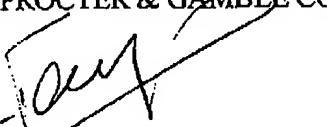
In light of the above amendment and remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 USC § 102. Early and favorable action in the case is respectfully requested.

This response represents an earnest effort to place the application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, reconsideration of this application, entry of the amendments presented herein, and allowance of Claims 2-4, 6-9, 23 and 28 - 37 is respectfully requested.

Respectfully submitted,

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